

REMARKS

The present communication responds to the Office Action dated August 17, 2007. In that Action, the Examiner rejected claims 1-27. In this response, claims 1 and 19 have been amended. Claims 28-34 are new. The claim modifications do not add new matter.

Rejections under 35 U.S.C. § 102

Claims 1-27 are rejected under 35 U.S.C. § 102(b) as anticipated by Svensson et al. (U.S. Patent 5,098,397, hereinafter 'Svensson'). This rejection is traversed in view of the above amendments and for at least the following reasons.

Claim 1 has been amended to recite, in part, that the port system comprises "a *replaceable* implantable first fluid guiding system." Specific support for this amendment is found in the specification at, for example, paragraph [0033] where the specification teaches that the supporting body 6 includes recesses "in order to remove the implanted catheter 5 and pull it out of the main casing 2." No new matter has been added by way of this amendment.

In contrast, Svensson disclose a percutaneous access device comprising an implanted base plate 12 that includes an outer cylinder 8 and an attachment plate 10. Further, as disclosed by Svensson, the implanted cannula attaches directly to the underside of the attachment plate such that access to the cannula is available only by access to the underside of the base plate (see Figures 1 & 2). Clearly, the implanted cannula cannot be removed without removal of the base plate. Therefore, Svensson cannot anticipate the instant invention because the device of Svensson does not allow for the replacement of the first fluid guiding system. For at least this reason the rejection of claim 1, and claims 2-18 depending therefrom, should be withdrawn.

Claims 19-27 are rejected under 35 U.S.C. § 102(b) as anticipated by Lee et al. (U.S. Patent 4,645,494, hereinafter 'Lee'). This rejection is traversed in view of the above amendments and for at least the following reasons.

Claim 19 has been amended to recite that the connecting head also includes a connecting cannula. Specific support for this amendment is found in the specification at, for example, paragraph [0053] and Fig. 5. No new matter is added by way of this amendment.

Lee does not disclose a connecting head including a connecting cannula. Lee describes a stabilizing tool that includes a pair of opposing handles such that “[E]ach proximal end of handles 82 includes an opposing semi-circular face 86.” The stabilizing tool of Lee is merely a clamp having arms defining an internal opening. Lee does not describe or suggest a connecting cannula which is a part of the connecting head and protrudes beyond the connecting elements. Therefore, the rejection of claim 19 and claims 20-27 depending therefrom is overcome and should be withdrawn.

New Claims 28-34

New claims 28-34 are patentable over Svensson and Lee because the cited references do not disclose the “connecting head” and “second connecting elements” as claimed. Instead, in Svensson, screw cap 6 threadably engages with outer cylinder 8, and connection end 4 of catheter penetrates seal 5 disposed under screw cap 6.

[S]ealing properties in relation to the friction against the connection end 4 of the outer catheter 2 can be controlled . . . The friction against the connection end 4 at the penetration of seal 5 should be as low as possible so as to prevent zone 9 for tissue penetration of the cutaneous passageway 1 from coming loose from the body. For the same reason the diameter of the rigid end 4 of the outer catheter 2 should not exceed 3 mm.

See Svensson, col. 2, lines 1-10. Because connection end 4 of the outer catheter loosely engages with seal 5, Svensson does not disclose any of connecting head with first connecting elements or second connecting elements as provided in new independent claim 28.

Claims 29-34 depend from claim 28 and are patentable for the reasons set forth above, and further in view of their additional recitations.

Conclusion

A request for a three month extension of time to respond is hereby made, and the required fee should be charged to Deposit Account No. 04-1420. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

The application is now in condition for allowance, and reconsideration and formal allowance are requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

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By:

David E. Bruhn
David E. Bruhn, Reg. No. 36,762
(612) 340-6317